

REMARKS

The Official Action mailed March 17, 2010 and The Advisory Action mailed June 28, 2010, have been received and their contents carefully noted. This response supplements the *After Final Amendment* filed June 17, 2010. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to July 19, 2010. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 26, 2006 and June 19, 2008.

Claims 1-12 are pending in the present application, of which claims 1-3, 7 and 9 are independent. Claims 1-3 and 7 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-6 and 10-12 as anticipated by U.S. Publication No. 2003/0034497 to Yamazaki. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection. The Official Action rejects claims 7-8 and 10-12 as obvious based on the combination of Yamazaki '497 and U.S. Publication No. 2002/0134979 to Yamazaki. The Official Action rejects claims 9-12 as obvious based on the combination of Yamazaki '497 and U.S. Patent No. 6,974,909 to Tanaka. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary

skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims. Independent claims 1-3, 7 and 9 already recites that the first sealing film is attached to the substrate with an adhesive. For the reasons provided below, Yamazaki '497, either alone or in combination Yamazaki '979 and Tanaka, do not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

The Advisory Action asserts that Yamazaki '497 "teaches [Figs. 1-2] having an adhesive [bottom 113] and also teaches that the first sealing film [114] is attached to the substrate [112] with the adhesive [113 is a bonding layer that sticks the substrate and sealing film together as shown in fig.2B]" (page 2, Paper No. 20100621). The Applicant respectfully disagrees and traverses the assertions of the Official Action. The Applicant respectfully submits that Yamazaki '497 discloses that the asserted adhesive 113 is over the asserted first sealing film 114, not between the first sealing film 114 and the substrate 112. See, for example, paragraph [0068] of Yamazaki '497, which states that "a sealing film having a laminate structure of the barrier films and the stress relaxing film is formed between the second substrate 112 and the third bonding layer 113." Yamazaki '979 and Tanaka do not cure the deficiencies in Yamazaki '497. Therefore,

the Applicant respectfully submits that Yamazaki '497, either alone or in combination with Yamazaki '970 and Tanaka, does not teach, either explicitly or inherently, or suggest that the first sealing film is attached to the substrate with an adhesive.

In any event, claim 1 has been amended to recite that the antenna is covered with a protective layer and that the adhesive over the substrate, the first sealing film over the adhesive, the integrated circuit over the first sealing film, the antenna over the integrated circuit, and the protective layer over the antenna are covered with the second sealing film, and that the second sealing film is partly in contact with the substrate. Claims 2, 3 and 7 have been amended to recite that the integrated circuit provided over the substrate is covered with a second adhesive, the second adhesive is in contact with the second sealing film, and the second adhesive is partly in contact with the substrate over which the first adhesive, the first sealing film, and the integrated circuit are provided. It is respectfully submitted that Yamazaki '497, either alone or in combination with Yamazaki '979 and Tanaka, do not teach, either explicitly or inherently, or suggest the above-mentioned features of the present invention.

Since Yamazaki '497, Yamazaki '979 and Tanaka do not teach or suggest all the claim limitations, obviousness and anticipation rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 and § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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